

**ORDINANCE NO. 20-\_\_\_**

**AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, ORDERING AND CALLING AN ELECTION TO BE HELD IN THE CITY OF GALVESTON ON THE 3<sup>rd</sup> DAY OF NOVEMBER, 2020, FOR THE PURPOSE OF ELECTING A MAYOR AT-LARGE AND SIX (6) DISTRICT COUNCIL MEMBERS, EACH FOR A TWO-YEAR TERM; MAKING PROVISIONS FOR THE CONDUCT AND GIVING NOTICE OF THE ELECTION; PROVIDING THE CANDIDATE FILINGS RECEIVED FOR THE POSTPONED MAY 2, 2020 ELECTION REMAIN VALID FOR THE NOVEMBER 3 2020 ELECTION AND THE FILING PERIOD WILL NOT BE RE-OPENED; DESIGNATING POLLING PLACES; DESIGNATING DATES AND HOURS FOR EARLY VOTING; DESIGNATING THE DATE AND HOURS OR THE ELECTION DAY; PROVIDING FOR PUBLICATION OF THE NOTICE OF THE ELECTION; PROVIDING BILINGUAL ELECTION REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING A SAVINGS CLAUSE; DECLARING FINDINGS OF FACT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the terms of office of the Mayor and six (6) Council Members of the City of Galveston, Texas expire upon the election and qualification of their successors; and

**WHEREAS**, Article III of the Galveston City Charter and sections 3.005, 41.001(a), and 41.005 of the Texas Election Code require an election to be held, ordered, and called for on Saturday, May 2, 2020, that being a uniform election date under the Texas Election Code, to fill the seats of the Mayor and six (6) Council Members; and

**WHEREAS**, given the advent of the Corona/Corvid-19 pandemic the Governor by Proclamation dated March 18, 2020 suspended provisions of the Election Code so as to allow home rule cities to conduct their elections on November 3, 2020; and

**WHEREAS**, on January 23, 2020, the Galveston City Council unanimously approved entering into a contract with the County of Galveston for the administration of election services pursuant to the applicable provisions of the Texas Election Code; and

**WHEREAS**, following the Governor's Proclamation of March 18, 2020 the County of Galveston County Clerk announced it would not conduct any elections on May 2, 2020 due and owing to the great risk attendant to the Corona/Corvid-19 pandemic; and

**WHEREAS**, under authority given under Texas Election Code §41.052 the governing body of a home rule municipality may change the date of its general election and given the public emergency attendant to the pandemic and the decision of the County Clerk not to conduct elections on behalf of entities in Galveston County for the May 2, 2020 election the City Council has determined to exercise its authority to change the date of its general election to November 3, 2020 as set forth herein; and

**WHEREAS**, under authority given under Texas Election Code §41.052 the City Council determines that present members of Council shall continue to hold office as a holdover and the

length of term for those elected on November 3, 2020, or in a required runoff election, shall hold office until May 7, 2022.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

**SECTION 1.** The findings and recitations set out in the preamble to this Ordinance are found to be true and correct, and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** Pursuant to the provisions of Article III of the Charter of the City of Galveston and section 3.005 of the Texas Election Code, the regular City election for the year 2020, is hereby called and ordered for the purpose of electing a Mayor at-large and six (6) District Council Members, each for a term of two (2) years, to be held in the City on Tuesday, November 3, 2020, between the hours of 7 o'clock a.m. and 7 o'clock p.m., as provided in section 41.031 of the Texas Election Code, as well as, a period of early voting in accordance with the provisions of the Texas Election Code.

**SECTION 3.** The election hereby called and ordered shall be conducted in accordance with the provisions of this Ordinance, the requirements of the Charter of the City of Galveston, the Constitution and laws of the State of Texas regulating the holding of elections. The election called and ordered shall be conducted in accordance with the provisions of the Election Services Agreement by and between the City and Galveston County approved by City Council on June 25, 2020.

**SECTION 4.** In accordance with Secretary of State Election Advisory 2020-12, the City Council confirms that candidate filings for the May 2, 2020 election will remain valid for the election held on November 3, 2020 and that the filing period will not be re-opened for the November election.

**SECTION 5.** In accordance with Chapter 43 and other applicable provisions of the Texas Election Code, this election shall be conducted utilizing countywide polling places as designated by the County of Galveston. The City Council hereby designates the locations listed in **Exhibit 1** as countywide polling places to be utilized for this election.

**SECTION 6.** The ballots shall conform to all requirements of the laws of the State of Texas governing the same. Such ballots shall contain the names of all eligible candidates for the respective offices of the Mayor and City Council Members of the City of Galveston.

**SECTION 7.** All qualified voters of the City of Galveston shall be entitled to vote at the election so hereby called and ordered. The election shall be conducted in accordance with the applicable laws of the State of Texas between the hours of 7 o'clock a.m. and 7 o'clock p.m. on Tuesday, November 3, 2020 ("Election Day").

**SECTION 8.** Voting machines and/or ballot boxes shall be used in the election in accordance with the provisions of the laws of the State of Texas relating to the use of voting machines, ballot boxes, and elections. Pursuant to the Election Services Agreement with the City

of Galveston, Hart Intercivic Direct Record Electronic (DRE) Voting Machines will be used during the conduct of the subject election being called by this Ordinance.

**SECTION 9.** (a) In compliance with Section 271.006 of the Texas Election Code, Dwight D. Sullivan, Galveston County Clerk, is appointed as the Early Voting Clerk. Other deputy early voting clerks shall be appointed as needed to process early voting mail and to conduct early voting by personal appearance. The main early voting polling place is designed as the Galveston County Justice Center, 600 – 59th Street, 2nd Floor Conference Room, Galveston, Texas 77551. Early voting by personal appearance is also available at the Galveston County Courthouse, 722 Moody (21st Street), 2nd Floor Mezzanine, Galveston, Texas 77550, and such other early voting polling places as designated by the Early Voting Clerk.

(b) Qualified electors voting early who are unable to vote in person shall vote by mail as prescribed by the laws of the State of Texas. Applications for ballots by mail may be sent to the Early Voting Clerk as follows:

- By Mail: Attn: Ballots by Mail, c/o Dwight D. Sullivan, Galveston County Clerk, P. O. Box 17253, Galveston, Texas 77552-7253;
- By Fax: 409.765.3249 (Please put “Attention Ballots By Mail” on the cover sheet);  
or
- By Email: absenteeballotapplications@co.galveston.tx.us (If this method is used, an application from the County Clerk’s Elections Division website will need to be printed, filled out completely, signed, and scanned before submitting as an attachment to the email).

In accordance with Section 84.007 of the Texas Election Code, the first day to apply for a ballot by mail was January 1, 2020. The last day to apply for a ballot by mail is October 5, 2020 (received, not postmarked). The deadline for receipt of a Federal Post Card Application (FPCA) from a registered voter is October 5, 2020.

The Galveston County Clerk must physically receive marked ballots by the last mail delivery on Election Day which is Tuesday, November 3, 2020 at 3:00 o’clock p.m. If a marked ballot is being mailed from outside of the United States, the ballot must be received by the last mail delivery on the fifth day after Election Day. In addition, marked ballots from individuals voting by mail may be hand delivered in person only while polls are open on Election Day. Only the person casting the marked ballot may surrender the ballot in person. Such ballots will be accepted between the hours of 7:00 a.m. and 7:00 p.m. at the Galveston County Clerk’s Office, Elections Division, 600 – 59th Street, 3rd Floor, Galveston, Texas 77551.

(c) Early voting by personal appearance shall begin on Monday, October 19, 2020, and end on Friday, October 30, 2020, and shall be conducted during the following hours:

<i>Day</i>	<i>Date</i>	<i>Hours of Operation</i>
Monday	October 19, 2020	7:00 am to 7:00 pm
Tuesday	October 20, 2020	7:00 am to 7:00 pm
Wednesday	October 21, 2020	7:00 am to 7:00 pm
Thursday	October 22, 2020	7:00 am to 7:00 pm
Friday	October 23, 2020	7:00 am to 7:00 pm
Monday	October 26, 2020	7:00 am to 7:00 pm
Tuesday	October 27, 2020	7:00 am to 7:00 pm
Wednesday	October 28, 2020	7:00 am to 7:00 pm
Thursday	October 29, 2020	7:00 am to 7:00 pm
Friday	October 30, 2020	7:00 am to 7:00 pm

There will be no early voting by personal appearance on Saturday, October 24, 2020 and Sunday, October 25, 2020.

(d) The City Council hereby appoints the County’s duly appointed representatives to the Early Voting Ballot Board.

**SECTION 10.** (a) Notice of said election shall be given (1) by filing a copy of this election Ordinance with the City Secretary; and (2) by publication as required by state law. The notice shall be in accordance with state law.

(b) The Mayor is hereby authorized to sign an “Order of Election” and “Notice of General Election.” Council directs the City Secretary to post the “Order of Election” and publish and post the “Notice of General Election,” in both English and Spanish in accordance with state law.

**SECTION 11.** Officers of the election shall immediately at the close of the election return to the City Council the results of the election. The City Council shall canvass the returns and declare the results of the election as provided in the Agreement between the City and the County, and as permitted by law.

**SECTION 12.** The provisions of 42 U.S.C.A. § 1973aa-1a, 28 C.F.R. Part 55, and section 272.001 et seq. of the Texas Election Code, regarding members of a single-language minority, shall be observed with respect to printing, programming, and disseminating voting notices, forms, balloting materials, instructions, assistance or other materials or information relating to the electoral process, including ballots, and all such election materials shall be printed, programmed, processed, and/or provided in the Spanish language as well as the English language, and at each Election precinct there shall be a Judge, Alternate Judge, or Clerk who is fluent in the Spanish language and who shall be instructed and required to provide assistance to any voter desiring same.

**SECTION 13.** The County of Galveston shall appoint eligible persons in the following capacities in accordance with the Texas Election Code, and those persons shall have the duties and responsibilities as prescribed by state law:

Central Count Station Manager, Clerk, Tabulation Supervisor, Assistant to the Tabulation Supervisor, Judge of the Central Count Station, Clerks and Early Voting Ballot Board

**SECTION 14.** The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with federal, state, and local laws and in the conduct thereof. This will be provided through the Election Services of the County of Galveston.

**SECTION 15.** The City Council reserves the right to amend or modify this Ordinance, including, but not limited to, the Early Voting and Election Day polling locations.

**SECTION 16.** In the event any provision of the Election Services Agreement with the County conflicts with any provision of this Ordinance, the provisions of this Ordinance shall control with respect to the City election.

**SECTION 17.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**SECTION 18.** It is hereby officially found and determined that notice of the meeting at which this Ordinance is adopted was given as required by Chapter 551 of the Texas Government Code (the "Texas Open Meetings Act") and that such meeting has been open to the public at all times when this Ordinance was discussed and acted on.

**SECTION 19.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 20.** In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter, this Ordinance has been publicly available in the Office of the City Secretary for not less than 72 hours prior to its adoption; and that this Ordinance may be read and published by descriptive caption only.

**SECTION 21.** This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

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DONALD S. GLYWASKY  
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on the 25<sup>TH</sup> day of June, 2020, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_\_\_ day of June, 2020.

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City Secretary for the City Council  
of the City of Galveston, Texas

*Proposed To Be Amended*

**EXHIBIT 1**

**EARLY VOTING LOCATIONS**

**for**

**City of Galveston**

**MAIN EARLY VOTING POLLING PLACE**

Galveston County Justice Center  
600 – 59<sup>th</sup> Street  
2<sup>nd</sup> Floor Conference Room  
Galveston, Texas

Galveston County Courthouse  
722 Moody St.  
Galveston, Texas 77550

Seaside Baptist Church  
16534 Termini-San Luis Pass Rd.  
Jamaica Beach, TX 77554

Carver Park Community Center  
6415 Park Ave.  
Texas City, TX 77590

Santa Fe City Hall  
12002 Highway 6  
Santa Fe, TX 77510

Bacliff Community Center  
4503 11<sup>th</sup> Street  
Bacliff, Tx. 77518

La Marque Community Room  
1109-B Bayou  
La Marque, Tx 77568

Kemah Fire Station  
905 Hwy 146  
Kemah, Tx 77565

Moody Methodist Church  
2803 53<sup>rd</sup> St  
Galveston, TX 77551

Hitchcock City hall  
7423 Highway 6  
Hitchcock, Texas 77563

Nessler Center  
2010 5<sup>th</sup> Ave. North  
Texas City, TX 77591

Joe Faggard Building  
1750 Hwy 87  
Crystal Beach, Tx 77650

MUD 12 Building  
2929 Hwy 6  
Bayou Vista, Tx 77563

Clear Lake Shores  
1006 South Shore Dr.  
Clear Lake Shores, Tx 77565

Old Friendswood Jr. High  
402 Laurel  
Friendswood, Tx 77546

**ELECTION DAY VOTING LOCATIONS**  
**Tuesday, November 3, 2020**  
**7:00 a.m. to 7:00 p.m.**

**for**

**City of Galveston**

Galveston County Courthouse  
722 Moody St.  
Galveston, Texas 77550

Seaside Baptist Church  
16534 Termini-San Luis Pass Rd.  
Jamaica Beach, TX 77554

Carver Park Community Center  
6415 Park Ave.  
Texas City, TX 77590

Santa Fe City Hall  
12002 Highway 6  
Santa Fe, TX 77510

Bacliff Community Center  
4503 11<sup>th</sup> Street  
Bacliff, Tx. 77518

La Marque Community Room  
1109-B Bayou  
La Marque, Tx 77568

Kemah Fire Station  
905 Hwy 146  
Kemah, Tx 77565

GISD Admin Building  
3904 Ave. T  
Galveston, Tx 77551

Moody Methodist Church  
2803 53<sup>rd</sup> St  
Galveston, TX 77551

Hitchcock ISD Admin Building  
7801 Neville, Building B  
Hitchcock, Texas 77563

Nessler Center  
2010 5<sup>th</sup> Ave. North  
Texas City, TX 77591

Joe Faggard Building  
1750 Hwy 87  
Crystal Beach, Tx 77650

MUD 12 Building  
2929 Hwy 6  
Bayou Vista, Tx 77563

Clear Lake Shores Club House  
931 Cedar  
Clear Lake Shores, Tx 77565

Rebecca Sealy Hospital  
404 8<sup>th</sup> St., Classroom 1<sup>st</sup> Floor  
Galveston, Tx 77555

Texas A &M University-Galveston  
200 Seawolf Parkway, Bldg. 3035  
Suite 102  
Galveston, Tx 77553